REMARKS

Claims 6-13 are pending in the application. Claim 13 is a new claim.

Claim 13 is added to recite that the adhesive label has structural features that indicate a position of alignment or misalignment with respect to other labels that may be placed on the disk. The reason for this is to create an misalignment condition that indicates a thief has covered up a preexisting label. a proper alignment is nearly impossible to create without the claimed use of a base plate and pestle, as disclosed in paragraphs 39-40 of the published application. Thus, a thief who would act in this way is at a disadvantage without the proper tools.

Claims 6-11 stand rejected as being unpatentable under 35 U.S.C. §103(a) over Kahle. With all due respect, the examiner has not explained by this should be the case when Kahle fails to teach or suggest each element of what is claimed, or to provide any motivation for this modification. Therefore, the examiner fails to state a prima facie case of obviousness.

Claim 6 recites attachment of the label by manual use of a base plate and pestle. In contrast, to what is claimed, Kahle merely shows the printing of a separately attachable label in the discussion at column 5, lines 32-38. No mention is made of the manner of attaching the label through use of a base plate and pestle. Therefore, at most what is conotated from a perspective of skill is the peeling of the Kahle label and the attachment thereof to the disk without the use of tools.

The examiner holds on page 2 of the present Office Action that this distinction is unpatentable because "applicant has not stated any stated problem or is for any particular purpose." That is untrue, for example, as stated in paragraph 39 of the published application:

> Upon discovering that sticker 202 is a destructible sticker, a thief who has stolen disk 240 may simply try to hide the evidence of theft by covering sticker 202 with a second sticker (namely, sticker 204). It is extremely difficult, if not impossible, to apply these stickers without the system 50 apparatus depicted in FIG. 3 or a homologue thereof. For example, bubbles or other surface

PAGE 7/10 * RCVD AT 5/3/2006 5:55:42 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/20 * DNIS:2738300 * CSID:7209313001 * DURATION (mm-ss):02-56

irregularities are commonly formed in the stickers when attempts are made to apply them by hand, or the stickers tear because they are so thin.

Kahle is not cognizant of this problem, and so the stated rejection also violates the requirement to consider the invention as a whole including the particular problem faced by the applicant at the time of the invention.

Where the manual use of a base plate and pestle is one measure against theft, the use of a destructible sticker according to claim 12 is another. Claim 13 provides a further aspect of theft prevention by reciting an alignment feature that cooperates with the use of base plate and pestle.

For the reasons explained above, the undersigned respectfully solicits a Notice of Allowance.

Respectfully submitted,

LATHROP & GAGE L.C.

By: _____

Dan Cleveland, Jr., Reg. No. 36,106
Lathrop & Gage L.C.
4845 Pearl East Circle, Suite 300
Boulder, CO 80301
Telephone: (720) 931-3012
Facsimile: (720) 931-3001

PAGE 8/10 * RCVD AT 5/3/2006 5:55:42 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/20 * DNIS:2738300 * CSID:7209313001 * DURATION (mm-ss):02-56